DOCUMENT RESUME

ED 193 269 TM 800 584

AUTHOR	Stenzel, Norman
TITLE	Committee Hearings as an Evaluation Format. Research on Evaluation Program, Paper and Report Series, No. 22.
INSTITUTION	Northwest Regional Educational Lab., Portland, Oreg.
SPONS AGENCY	National Inst. of Education (DHEW), Washington, D.C.
REPORT NO	NREL-22
PUB DATE	Aug 79
NOTE	35p.
EDRS PRICE	MF01/PC02 Plus Postage.
DESCRIPTORS	*Committees; Elementary Secondary Education; *Evaluation Methods; *Hearings; Higher Education; *Investigations; *Models
IDENTIFIERS	*Congress

ABSTRACT

The use of a committee hearing format for educational evaluation is considered. The paper is divided into three sections: (1) a description of the concept of investigative committees as practiced by the United States Congress; (2) a review of recent implementation of a committee hearing format in educational evaluation; and (3) an outline of a committee hearing approach with comments directed at the application of the format. Section one is concerned with the areas of the parent body, authorization, committee membership and staffing, investigation and hearing activities, and committee reports. Section two begins with a developmental perspective, and discusses the application of procedure, and two examinations of the committee hearing. The final section, presented in outline format, displays the committee concept along with comments suggesting the potential of the analogy for educational evaluation. (Author/GK)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U S DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

M. Thorne

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

No. 22 COMMITTEE HEARINGS AS

AN EVALUATION FORMAT

NORMAN STENZEL

Illinois State Department
of Education

August 1979

Nick L. Smith, Director
Research on Evaluation Program
Northwest Regional Educational Laboratory
710 S. W. Second Avenue, Portland, Oregon 97204

Published by the Northwest Regional Educational Laboratory, a private nonprofit corporation. The project presented or reported herein was performed pursuant to a grant from the National Institute of Education, Department of Health, Education, and Welfare. However, the opinions expressed herein do not necessarily reflect the position or policy of the National Institute of Education, and no official endorsement by the National Institute of Education should be inferred.

PREFACE

The Research on Evaluation Program is a Northwest Regional Educational Laboratory project of research, development, testing, and training designed to create new evaluation methodologies for use in education. This document is one of a series of papers and reports produced by program staff, visiting scholars, adjunct scholars, and project collaborators--all members of a cooperative network of colleagues working on the development of new methodologies.

What is the nature of committee hearings as used in congressional inquiry and policy formation? Can committee hearings be adapted for use in educational evaluation? This report discusses these and other questions in assessing the potential of committee hearings as a tool in evaluation. Included in this report is a sample application of a committee hearing procedure in evaluation and an extensive discussion of the various elements of the committee hearing process, including committee operation, staffing, and procedural rules.

Nick L. Smith, Editor
Paper and Report Series

CONTENTS

CONGRESSIONAL HEARINGS. 2

Parent Body. 2
Authorization. 3
Committee Membership and Staffing. 3
Investigation Activities 6
Hearing Activities 7
Committee Reports. 8
Developmental Perspective. 9
The Application. 10
Two Examinations of the Committee Hearing. 12

SOME POTENTIALS OF THE COMMITTEE HEARING FORMAT 14

Parent Body. 14
Committee Operation. 17

REFERENCES. 27

COMMITTEE HEARINGS AS AN EVALUATION FORMAT [1]

The idea of using a committee hearing format for educational evaluation is not necessarily unique--a blue ribbon panel approach to evaluation, for example, could be considered to be a relevant lineage; and in accreditation models the self study component often utilizes committees. Educational evaluators, however, may examine the use of committees in other environments to gain new insights into the potential of committees as an evaluation format. This paper is undertaken in that spirit. In particular, Congressional investigative hearings are used here as an analogy to instruct educational evaluators.

This paper includes three sections. The first section describes the concept of the investigative committee as practiced by the United States Congress; the second section reviews a recent implementation of a committee hearing format in educational evaluation; and the third section provides an outline of a committee hearing approach with comments directed at the application of the format.

While the ultimate purpose of this review is to provide a

---

[1] An earlier version of this paper was presented at the American Educational Research Association annual meeting in San Francisco, California, in April 1979. The current document is a revision of that paper based on the perceptive comments of Dr. Conrad Katzenmeyer of the National Science Foundation.

practical outline of a committee hearing approach to educational evaluation, it is also hoped that practitioners can also use the paper to identify features applicable to other approaches to evaluation.

Congressional Hearings

Since the advent of television, the image of Congresssional hearings is not as distant from the American public as it once was. Television news coverage, however, often portrays the events surrounding the public phase of a Congressional investigation, and focuses attention on only a portion of what is actually a broader effort. An analogy should consider the broader process which would include some conceptualization of the parent body for the committee; the authorization for the committee; the composition of the committee; the activities of the committee including investigation, hearings, reports, and subsequent action.

In this broader perspective, educational evaluators will find many parallels between the committee approach and existing practices with which they can be comfortable. Their greatest discomfort, however, may arise in relation to the event of the hearing itself.[2]

Parent Body

Parliamentary and legislative bodies utilize committee systems to accomplish many of the important functions assigned to them. The United States Congress is no exception. These legislative groups are the "parent bodies" for the committees. That is, they provide a source of origin and legitimacy for the committee.

---

[2] A foreshadowing of this might be suggested by Popham and Carlson's (1977) reaction to the "deep dard deficits" of adversary hearings.

Congress is not monolithic in philosophy and embodies divergent approaches to conceptualization and resolution of problems. The use of committees is well proven in this politicized setting in gathering and testing information against a variety of frames of reference.

Authorization

Investigations are initiated when a member of the parent body introduces a motion to extablish a select committee for investigation. In addition to that consideration, the parent body will specify the charge to the investigative committee. The specification of the charge is important. Too narrow or too vague a specification would contribute to an ineffective committee. Committees have been known to return to their parent body to obtain clarification of their authorization for investigation. This is considered to be a signal that the initial authorization was not adequately considered (Morrow, 1969).

The nature of the authorization is important for a variety of reasons. Primarily it serves to focus the activities of the committee. It also relates to one of the attempts to insure the fairness of committee investigations. Fair play for witnesses, for example, includes specifying the nature and scope of the investigation.

Committee Membership and Staffing

In the Congressional setting, the chairperson of the investigative committee is determined by party leadership with consideration for the Senator or Representative introducing the resolution into the parent body. The functions of the chairperson are critical to the implementation of the committee. The chairperson hires staff; supervises staff;

establishes schedules; manages proposed legislation on the floor of Congress; and serves on conference committees when legislative differences are being worked out between the Senate and the House. If the chair does not undertake these functions directly (s)he often has the power to designate the person who will. (Diamond, 1976; Morrow, 1969; Price, 1972)

Committee membership is also designated by the party leadership. Select committee membership for the party of the chairperson is often influenced by the prospective chair. Depending on the import of the investigation, committee membership is also based on reputation and stature in the parent body and the nation. The composition of the committee may take into account the significance of the issues to be investigated, the expertise desirable, or the expressed interest of Congressmen. In select committees it is often the case, however, that members are faced with the necessity of becoming an instant expert on the topic under investigation.

Two general types of staff serve the committee--clerical and professional. Committee organization may have a chief of staff to whom both groups are responsible, or a structure that utilizes a chief clerk and a chief of the professional staff who report to the committee chairperson (Heaphey and Balutis, 1975; Kofmehl, 1962).

Clerical staff perform many of the support functions necessary for the operation of the committee. However, during the press of events, clerical staff have been used in professional-like capacities. For example, they have conducted interviews, assessed written materials, and have written portions of reports.

A chief counsel often heads the professional staff. The chief counsel is typically selected by, and is responsible to the chairperson of the committee. Ideally the chair and the chief counsel cooperate in all phases of the work of the committee. The chief counsel may also be supported by a minority counsel assigned to assure investigative scope in the interests of the minority members on the committee. The chief counsel is to direct the investigation, the data analysis, plan the public hearing activites, brief the committee members, conduct a protion of the questioning at the hearing, and direct the preparation of the committee report.

Professional staff for committees represent a variety of backgrounds and skills. Some of the disciplinary backgrounds include law, economics, political science, and journalism. Professional staff are selected as best as possible for skills pertinent to the nature and scope of the investigation. At times, however, they find themselves engaged in tasks for which they have little preparation. This is quite often true where staffing is limited, and where the press of time requires tasks to be undertaken by whomever happens to be available. Under such circumstances, technical support by the chief counsel or other professional staff may be used if possible. Even committees staffed with over 30 professionals, such as the Watergate Committee, may be forced to make assignments that are "out of sync" with the staff member's primary skills. (Heaphy and Balutis, 1975; Johnson, 1951; Huwa and Rosenthal, 1976; and Kofmehl, 1962.)

It is important, therefore, to attempt to anticipate work

loads in planning committee investigations. Further, in technically complicated questions, such as the ballistics and forensic medicine questions of the Assassination Committee investigating the Kennedy-King murders, special studies may be commissioned by the committee to supplement staff expertise.

In Congress, feuds between and among committee members as well as between and among committee members and the professional staff are not unknown (Johnson, 1951; Vaughn, 1972). The balance necessary for the integrity of the committee will require careful mediation. A chairperson of an evaluative committee may not be allowed the extreme authority traditional in Congressional committees--however even that is changing (Davidson and Oleszek, 1977). The role of the professional staff in limiting the constricting effects of contention is important (Price, 1972). Shared direction or utilizing voting to support or deny proposals can be useful (Price, 1972).

Investigation Activities

One of the first tasks of the committee and its counsel is to determine the rules for committee practice (Brown, 1975). The rules relating to hearings now include such considerations for fair play as informing potential witnesses of the scope of the investigation and their right to counsel. Other rules for the commitee may relate to questioning and other procedures.

Descriptions of the investigative activities of committees suggest that activities range from routine to dramatic (Bailey, 1950; Hamilton, 1976; Johnson, 1951; Schlessinger and Burns, 1975). The task has been described as putting a jugsaw puzzle together.

The tactics used in the investigation phase of the work of the committee often reflect the methodologies familiar to the professional staff. Investigative methods as applied to criminal investigation, history, investigative journalism, auditing, economic analysis, survey work, and other specialties as may be suited to the task undertaken are often implemented.

The investigation activities may even continue during the course of public hearings. The investigative information is used to provide background for the hearings in general, and to brief committee members regarding potential testimony of witnesses.

The final stages of investigation prior to the public hearing often reflects the lines of questioning to be implemented in the hearing. A variety of positions have to be tested.

Hearing Activities

Preparation for the public hearing phase includes setting out the schedule of events. This amounts to an orchestration of information to be presented at the hearing. It is case building as a manner of argumentation. For example, Vaughn (1972) indicated that the House Un-American Activities Committee format for the "Hollywood ten" began with friendly witnesses setting the stage, and then progressed to hostile witnesses. The strategy not only set the stage with information, but also dramatically orchestrated an impression that Communist infiltrators were pervasive in the movie industry. The intent was to elicit antipathy toward Communists and Communist sympathizers.

The chief counsel develops the initial agenda for the hearing. This is then shared with the committee chairperson and then brought to the committee as a whole. Once the plan is approved, the chief

counsel, supported by the chief clerk, make arrangements to notify witnesses and insure the implementation of the plan. Rooms, facilities, and equipment are secured. Personnel are added, including stenographers where necessary. Witnesses are notified and are provided with information depicting the scope of the hearing, the committee rules, and the rights of witnesses.

Questioning in the hearing is undertaken both by staff counsels and the committee members. Staff counsels are typically assigned the task of eliciting information that provides setting, establishes the parameters of the information available through the witness, and obtains answers to questions about technical matters not in the field of expertise of committee members. Committee members, supported by committee and personal staff, ask questions within the scope of the rules of the committee. The questioning strategies of committee members often reflect hypothesis testing. Each committee member may have a different perspective to explore, or in some cases, a party position may be used as a single perspective for framing questions. At those times, a caucus of party mamebers may be used to discuss and set strategy in advance.

Once testimony has been taken, witnesses may be thanked for their participation. Finally, committee members may make statements highlighting their frame of reference vis a vis the testimony.

Committee Reports

When the public and closed sessions of the hearing have been concluded, committee working sessions are scheduled to facilitate the preparation of a final report and recommmendations. The working sessions identify the major points identified, debate the support for

perspectives, establish the outline of the final report, identify possible recommendations, suggest final timelines, and determine if there will be minority reports. Professional and clerical staff are allocated responsibilities for the production of the report and its drafts. Additional committee sessions discuss drafts of the report and prepare strategy to present the report to the parent body. Finally, when the report is finalized, a vote is taken to transmit the report to the parent body and the committee chairperson typically is charged with managing the strategy to obtain legislative consideration.

A Recent Implementation: Committee Hearing as an Evaluation Format

Developmental Perspective

A recent attempt to develop an adversarial hearing approach to evaluation was undertaken by Wolf (1974). In his work, Wolf suggested that an adversarial approach had potential utility to remedy many of the perceived ills of educational evaluation. Wolf applied a judical analogy to evaluation, and implemented a full scale application of the idea at Indiana University in 1975 (Arnstein, 1975; Wolf, 1975).

A major strength of an adversarial approach to evaluation is the testing of data and interpretations of data through examination (Stenzel, 1975a; Wolf, 1974). In Wolf's 1975 application, however, the panel sitting to hear the evidence also put questions to the witnesses. Stenzel (1975b) noted in review of that point that many evaluations had limited credibility in settings where a spectrum of contending interests were involved. For the State Educational Agency audience, for whom Stenzel was writing, settings were often politicized--

parents vs educators vs advocacy groups; or fiscal liberals vs fiscal moderates vs fiscal conservatives. Persons holding contending value perspectives were not likely to accept the results of an evaluation that did not coincide with their interests.

Stenzel (1975a), in meta-evaluation of the judicial format, suggested that there could be other approaches to adversarial evaluation. He later suggested that evaluative findings meta-evaluatively tested from a variety of points of view would better serve as the basis for policy and action (Stenzel, 1975b). Indeed, a meta-evaluation utilizing a committee hearing format was proposed and implemented by the Illinois Office of Education.

The Application

Under contract to the State Office of Education, an evaluation had been conducted by a third party evaluator on a set of thirteen regional projects which provided services for low prevalence handicapped children in Illinois. The third party evaluator agreed to appear before a committee to present the final evaluation report and to answer questions regarding the conduct and results of the evaluation (Illinois, 1975).[3]

---

[3] The investigative procedure used by the third party evaluator was based on a site visit to each of the thirteen regional projects by a team of experts. Prior to the visit, each project was to have submitted responses to a questionnaire designed to elicit general descriptive information about the project. Questionnaire responses were to be reviewed by members of the site visit team prior to their visit. The site visit team consisted of a team leader; experts in the areas of vision, hearing, and orthopedically handicapped to review programmatic aspects of the project; an accountant to review the fiscal procedures; and, where possible, an expert in administration. If no special administrative person was on the team, the team leader conducted the interviews to review the administrative practices of the project. As a standard for providing judgments about the operation of programs for low prevalence handicapping conditions, three statements representing ideal programs in vision, hearing, and orthopedically handicapping conditions were prepared. Data were reviewed against these standards and 12 major recommendations were provided for the final report (Quigley, 1975).

The committee established by the Illinois Office of Education to hear the testimony of the third party evaluators and to examine the strength of the findings through questioning was broadly based. The committee included three members of the Illinois Office of Education professional staff. This included the Deputy Superintendent for Program Services, who acted as chairperson for the committee. Non-office participants included three representatives of groups concerned with the education of the handicapped, and representatives of the projects subjected to the evaluation.

The third party evaluators, who were the witnesses providing testimony at the hearing, were advised by a "counsel" selected to provide prudent and thoughtful perspective if questioning were to touch upon matters of contract and obligation. Committee members were also advised by "counsel" selected to represent another institution or group similar to that of the committee member. In this respect, the "counsels to the committee" were not technical advisors, but rather persons providing additional perspective from the particular constituency the committee members were to represent.

The charge to the committee was threefold. First, it was charged with exploring the validity of the evaluation as it was conducted and as it was represented in the evaluation report. Second, it was charged with reviewing the recommendations presented in the report. Third, it was charged with the production of a written response to the evaluation report.

The hearing began with prepared testimony presented by a number of the investigators involved in the third party evaluation. Once the prepared statements had been made, committee members were allowed an opportunity to question the witnesses. Committee members were

allocated time for two rounds of questioning. The first round of questioning was to initiate topics and to elicit major responses. The second round of questioning was not to be used to initiate new topics but rather was to elaborate or follow up on information previously introduced.

Once questioning was completed, the third party evaluators were thanked and the hearing adjourned. Each of the committee members were charged with the task of producing a "minority" report. These reports were compiled into a meta-evaluation report (Illinois, 1975).

Two Examinations of the Committee Hearing

Two seperate studies of the committee hearing were completed. One study was undertaken by one of the third party evaluation group (Jones, 1976); and the second study was a survey of participant reactions conducted by the Program Evaluation Unit of the Illinois Office of Education (1975). This section will summarize the results of each study.

Jones (1976) provided a comprehensive review and critique of the hearing. The standard used in the critique reflected adversarial procedures as suggested by Wolf (1975) and Stenzel (1975).

Jones (1976) indicated that sufficient care had not been taken to deliniate issues for the committee and that as a result the efforts of some of the questioners in the hearing were misdirected. Some of the misdirected questions put to the evaluators, for example, should have been put to the Illinois Office of Education as commissioners of the evaluation. Jones also indicated that the examination of the argument constructed by the third party evaluators was ineffective.

He identified several features of the hearing contributing to this weakness. First was the limited time allowed the task; second was that cross-examination was lacking in the committee process; and third was full disclosure of all evidence was impossible under the format used.[4]

Another review was also conducted by the Illinois Office of Education. Stenzel (1977) reported on the perceived strengths and weaknesses of the process based on a brief questionnaire used to elicit comments from selected participants and observers. The strengths included three points. First, the committee process made the review of the evaluation a public activity, disallowing a "deep 6" fate for the results. The second strength was the committee process served as a "trial baloon" for recommendations as reviewed by participating interest groups. The third strength included the meta-evaluative functions of checking for accuracy, checking for potential biases of evaluators, challenging methodologies, requesting clarification, and exploring implications of recommendations. The weaknesses reported by Stenzel included ineffective questioning strategies by committee members; the great expenditure of time and effort by participants required to yield a product; and the lack of coherence of the final product.

These two perspectives obviously can be useful in refining a

---

[4] One approach to be used in the hearing was to have included a prior list of questions submitted to the witnesses by the committee in order to allow preparation where technical data were required. This was not fully implemented due to restrictions in lead time.

a committee hearing approach to evaluation. They should be kept in mind, but also should be tempered by the nature of the referent of the analog. For example, although it is imperative that there needs to be sufficient time available to engage in a committee evaluation process as was suggested in these studies, the idea of examination and cross-examination from judicial evaluation is not justified as it is replaced by examination from the variety of value perspectives represented by members of the committee. Further examination of this implementation will be incorporated as comments in the following section. The next section is provided as an outline of components of a Congressional-like committee hearing process.

Some Potentials of the Committee Hearing Format

Ironically, as evaluators explore the potential of committee hearing formats, Congressmen are exploring alternatives to their own tradition. The committee approach has a history of misuse, and it is costly in time and money. Yet, as consumers of evaluation studies become more sophisticated, and as studies of heralded importance are shredded through peer review and public debate, it may be best to work with adversarial approaches which incorporate plurality of perspective. Committee hearings may help in this. There is much in the committee approach to evaluation to recommend it.

This section is presented in outline format. The headings refer to the committee concept as was presented in the previous section. Additional comments are included which are intended to suggest the potential of the analogy for educational evaluation.

I. Parent Body

Committees are often established by deliberative bodies to

perform a variety of tasks. In legislative bodies one of those tasks may be investigation. In evaluation settings, institutions or organizations may find that a committee-styled evaluation could be compatible with its structure and decision making process. School boards, for example, might consider a committee hearing approach as part of its process to provide informed policy statements to guide educational practice.

A. Authorization

In establishing investigative committees, the parent body provides a charge to the committee which deliniates the task to be undertaken. In evaluation, a commission to conduct an evaluation could be parallel to the Congressional authorization for a committee. Specifications are often included in a request for porposal or in a contractual agreement for an evaluation. Such specifications provide focus for the evaluation.

The meta-evaluative function of the Illinois hearing placed an emphasis on the examination of methodoology that does not appear to be a typical Congressional concern. The combined emphasis on methodology and outcomes in the Illinois hearing, however does appear to be desirable, since one of the criticisms of the Congressional approach to investigation is the lack of care regarding generalizability.

B. Committee Membership

Committee membership is typically drawn form the parent body. To apply the committee analogy to an evaluation, however, may cause some hesitation among those who hold to the "impartial-fully-informed-observer" school of evaluation. Selecting members of the parent body

to be on a committee of investigation suggests that biases may invade scientific detachment. Certainly Congress struggles with the balance between representation of the interests of the nation and submission to special interests. The political process, it is argued, in part accounts for that through public debate and consideration. In educational decision making bodies, the public nature of the hearings may also serve to assure that matters are adequately considered.

In evaluation jargon, the "parent body" has a parallel in the idea of "decision makers" or those who authorize an evaluation. Indeed, it may be that the decision makers themselves differ in philosophy from one another, or that they operate within a setting where contending frames of reference have to be taken into account when action is proposed. It may be that a committee hearing evaluation will have utility in such a setting.

For example, school boards or boards of education are not likely to be monolithic in philosophy. In fact, to the extent that their membership reflects diverse constituencies they are politicized bodies. Traditional evaluations serving their decision making functions face reduced credibility in proportion to the lack of compatibility of the findings with the advocacy positions embodied in the group.

On the other hand, a committee approach more compatible with the "impartial-fully-informed-observer" position may be seen in the Presidential commission conducting the Three Mile Island inquiry or in the British Parliamentary Commission discussed by Rhodes (1975). As those approaches are more akin to the blue ribbon panel approaches applied to evaluation, they will not be explored here.

II. Committee Operation

A. Organization

1. Chairperson

The Committee chairperson in Congress is a powerful fugure in the operation of the committee. The role of a chairperson as a feature of an evaluation may have some parallel in settings utilizing a contract monitor. That parallel is not perfect. The contract monitor often does not have the broad functions of a committee chairperson, nor the status of a Congressman in the parent body. However, the idea that a person internal to a parent body have major involvement in the organization and conduct of an evaluative inquiry is an interesting idea. With a committee and a chairperson involved, evaluative results will be difficult to conveniently ignore.

2. Staffing

Two types of staff support the Congressional committee--professional and clerical.

a. Professional Staff

In the Congressional setting professional staff, headed by a chief counsel and at times a minority counsel, are hired to conduct the investigation. At times their efforts are supplemented by expert investigations.

An evaluator or evaluation group hired under such circumstances is placed in much more of an employee relationship than the consultant arrangement often implemented at this time. There may be some advantage in this. It is possible that the employer-contractor will be much more sensitive to the constraints of time, the nature of the subject, the skills of the professional staff evaluators, and the

limitations of the data.

The potential relationship of an evaluator or evaluators to a committee-like component of a parent body as a chief counsel and minority counsel places this approach into the specie of adversarial evaluation. The service of the professional staff in exploring hypotheses and gathering data that are relevant to those hypotheses also suggest an adversarial categorization for this approach. The committee approach should allow examination of more than the two positions accomodated in a judicial hearing (Bullock, 1976; Stenzel 1975). Investigative activities for the committee should be undertaken with the spectrum of committee interest in mind. The pluralism thus served could, however, become unwieldy if too many positions are incorporated in the committee.

The professional staff of a committee hearing evaluation should be hired with the specific investigation in mind. In addition, specialized studies could be contracted in order to deal with technical topics.

If the functions of the chief counsel are assumed by an evaluator for a committee, the counsel would select other professional staff, designate special studies, direct the investigation, supervise the data analysis, plan the hearing, question witnesses, and guide the preparation of the report. A significant function in addition to these is briefing the committee members prior to the hearing so that they too will be able to conduct questioning of the witnesses.

b. Clerical Staff

In the Congressional setting, the clerical staff, headed by a chief clerk, provide the necessary functional support for the

professional staff. Differentiated staffing as is suggested by the Congressional committee is a familiar feature of many large scale evaluation efforts.

3. Committee Rules

In Congressional committees one of the first activities of the professional staff in conjunction with the committee is to establish rules. In evaluation, Bullock (1976) and Wolf (1974) suggested that rules should be thoroughly considered in adversarial settings. It would seem appropriate to review such legal rules as those relating to evidence and such committee rules as those dealing with fair play. In evaluations relevance and materiality may be supplemented by matters of generalizability. Fair play considerations certainly could include informing witnesses of the scope of the investigation and of the technical questions they might expect in advance of the hearing (Stenzel 1977).

The public examination of witnesses could indeed create sensitive situations. For example, in Wolf's examination of the Division of Teacher Education at Indiana University, witnesses were called to testify about the Division who at the end of the year would no longer have a job at the University. If their testimony were not flattering to the Division, one possible tactic of cross-examination would be to question the witnesses regarding the circumstances of their termination (Bullock, 1976). Rules of fair play could be useful in such cases. In addition, evaluative committee hearings might call for a closed session to conduct questioning reflecting on the credibility of the witness.

In evaluative committee hearings, where committee members

are members of a parent body and where questioning could touch upon the competence of individuals, the fulfillment of contractual obligations, or other topics with legal ramifications the right of witnesses to legal counsel may be a necessary feature allowed under the rules. The ramifications of public or executive testimony with adjudicative potential has not been explored in the literature of evaluation. In the Congressional setting, rules may allow immunity or threats of contempt of Congress as tools to obtain testimony. Neither of these features are currently developed in relation to evaluation. In time, these matters will have to be confronted by evaluation, and with the application of both judicial and committee hearing evaluation it may be sooner rather than later.

4. Planning

Depending on the authorization and the available talents of professional staff, the activities necessary to gather documentation and identify witnesses for the hearing will be assigned to professional staff or contracted to specialists for other investigators. As unanticipated matters are uncovered, planning and replanning will take place. In evaluation, where advance planning is an ideal and where plans are reviewed as part of a response to a request for proposal, greater flexibility may have to be allowed.

B. Investigation

1. Tactics

The investigative tactics utilized by the professional staff of Congressional committees often reflects their training in political science, economics, journalism, or law. For evaluation efforts, this suggests a multidisciplinary approach that may be broader than is

typically contemplated in education. The evaluative potentials of the wide variety of investigative approaches incorporated into the committee effort is beyond the scope of this singular effort. Each of the tactics common in Congressional investigations not currently in use or being considered for use in evaluation could be explored in seperate documents. What will be suggested here are the features of investigative evaluation.

In a pluralistic setting, valuing and decision making include a variety of premises and may be supported by different evidence or different weightings of evidence. Investigations for committees will have to be conducted with this characteristic in mind. An early task for the investigator is to become sensitive to the perspectives represented by members of the committee. Congressional staffers, for example, indicate that it is their task to anticipate the interests and needs of Congressmen before they are voiced (Price, 1972). This effort could consist of determining the interpretive frames of reference, the hunches, the tentative explanations, the hypotheses, the types of evidence that are persuasive to committee members. Such considerations will have to be taken into account if the data generated through investigation and presented at a hearing are to be considered to be useful. In fact, the best available evidence should be sought in support of each of the perspectives.

2. Committee Preparation

The investigative briefings and summary of materials provided to the Congressional committee by their professional staff serve as a foundation for the public phase of the process--the hearing. In

evaluation, preliminatry reports and oral presentations serve in a similar manner.

Meetings between the professional staff and the committee members should take place prior to the hearing to brief the committee members on progress, to discuss final selection of witnesses, to establish an agenda for the hearings, to plan the sequence of testimony, and to deal with any anticipated problems. These meetings should culminate in a well conceived public presentation of testimony about data; and an adequate, well informed examination of that testimony by committee members. Any final gaps in coverage of the issues under consideration should be filled, if at all possible, by further investigation and location of additional witnesses if necessary.

As opposed to a judicial hearing where it becomes manditory to introduce all evidence into the hearing through appropriate witnesses, the committee hearing may review documents, depositions, or historical conditions without public examination of testimony. In the judicial hearing, because of the plaintiff-defendant dichotomy, full public disclosure is necessary. In the committee hearing, selection of a portion of the relevant evidence does not preclude consideration of other information. However, as committee members are briefed or review summaries of documents, additional witnesses may be called if it is agreed that interrogation would provide necessary illumination, or that public opinion would require inclusion in the hearing.

C. Hearings

1. Functions

Fact finding and public activity are major functions of Congressional

hearings. In addition, committee members are able to test their personal frames of reference against the data. In evaluation, this is possible in the judical approach to evaluation. The difference allowed in a committee format is the accomodation of a variety of questioning perspectives.

In order to obtain some perspective how this can apply to evaluation, again it may be instructive to review the practice of judical evaluation. Bullock's (1976) account of an adversarial hearing at Indiana University suggests at least two approaches to case building. The first approach is a "discovery" approach in which the investigation is used to determine what data are available and then to derive the best possible argument from that information. The second approach is to outline the most plausible argument and then to gather data around that framework. In the first case the orchestration of the hearing is left until late in the preparations; in the latter case, the general outlines are apparent from early in the effort.

Questioning tactics are a matter of concern in adversarial evaluation. As managers of organizations or members of school boards are not necessarily experienced in the art of interrogation, that is a potential weakness of a committee hearing evaluation process. It was noted by Stenzel (1977) as a difficulty in the application of the committee hearing by the Illinois Office of Education. In addition, other factors may contribute to ineffective questioning. These may include a lack of technical expertise in the matters under consideration, an inappropriate proportioning of effort, and the negative effects of personal biases.

The role of the evaluator as chief counsel, therefore, is important. It is critical that the evaluator possess and utilize questioning skills to disclose the parameters of the potential testimony of witnesses, and to identify the salient points in that testimony. Bullock (1976) suggested that good questioning in a judicial hearing should effectively use yes or no questions, ask one question at a time avoiding questions within questions, break questions into component parts, and phrase questions briefly and simply. Reflecting Wolf's dissertation (1974), Bullock summarized functions of cross-examination. Those functions could serve as an additional guide for questioning: retraction or contradition of testimony, disclosure of unfavorable elements in the case suggested, suggesting possible alternative inferences from the evidence presented, disclosing elements favorable to another position, and discrediting witnesses. The fact finding features of committee examination include some of these functions. It should be noted, however, that the abuse of some of these functions has led to recent Congressional reform. The most prominent of these reforms include fair play ideas.

The committee hearing process has been criticized for conducting a trial by attempting to create the impression of guilt or wrong doing; creating interventions prior to trials thereby prejudicing the outcomes of trials; and not allowing witnesses the opportunity to defend themselves. With such abuses in mind, however, the role of "tough" questioning can be suggested as testing the strength of the evidence or the opinions proffered by witnesses; looking for weaknesses in the positions explored by other committee members;

suggesting possible alternative inferences; and disclosing favorable elements to ones own line of questioning.

2. Types of Committee Sessions

Congress utilizes both closed and public sessions. Public sessions take testimony and probe the implications of the data. Closed sessions are used to explore sensitive issues. Hostile witnesses are often interrogated in closed sessions prior to public testimony. Evaluations too may have use for sessions of these types.

The problem of how to deal with such an activity as interrogating a hostile witness may be dealt with in a closed session. Personnel matters obviously are closed session activities. The committee rules should set parameters for the use of closed sessions.

D. Reporting

1. Working Sessions

Upon completion of the public phase of the committee work, working sessions begin to allow the committee members to deliberate upon the evidence, sketch out the contents of the report, and identify major findings. This working relationship between committee and professional staff may approximate a formative evaluation setting. the incorporation of decision makers at this stage of events may go a long way to insure the use of findings and recommendations.

2. Reports

Written reports summarize the major information obtained through all of the committee efforts--not just the hearing. Reports may include majority and minority reports. Evaluation

reports do not often represent interpretations of the data in a majority-minority format. The closest approach to depicting a spectrum of possibilities may derive from adversarial evaluation reports or responsive evaluations.

The inclusion of minority reports in evaluation work is not a common occurrence, but appears to be a worthwhile consideration. This may incorporate some of the secondary analysis suggested by Cook (1974). The price paid for multiple reports, is reduced certainty for decision makers.

E. Follow Up

In Congressional settings, bringing the results of committee investigations to the attention of other Congressmen and proposing legislation is appropriate, and is an expected outcome of committee work. In evaluation, with committee members involved in the evaluative process, such an expectation may also become a reality.

References

Arnstein, G. "Trial by Jury: A New Evaluation Method". Pp. 188-190 in Phi Delta Kappan, (57), 1975.

Bailey, S. Congress Makes a Law: The Story Behind the Employment Act of 1946. New York: Columbia University, 1950.

Brown, H. (ed.) Constitution, Jefferson's Manual and Rules of the House of Representatives of the United States Ninety-fourth Congress. Washington, D.C.: U.S. Government Printing Office, 1975.

Bullock, T. An Investigation of the Judicial Evaluation Model: A Case Study of the Evaluation of the Division of Teacher Education, Indiana University. Bloomington, Indiana: Indiana University, Unpublished Ph.D. dissertation, 1976.

Cook, T. "The Potential and Limitations of Secondary Evaluations". Pp. 155-235 in Appel, M; Subkoviak, M.; and Lufler, H. (eds.) Educational Evaluation: Analysis and Responsibility. Berkeley, California: McCutchen, 1974.

Davidson, R. and Oleszek, W. Congress Against Itself. Bloomington, Indiana: Indiana University, 1977.

Diamond, R. (ed.) Powers of Congress. Washington, D.C.: Congressional Quarterly, 1976.

Hamilton, J. The Power to Probe: A Study of Congressional Investigations. New York: Random House, 1976.

Heaphey, J. and Balutis, A. Legislative Staffing: A Comparative Perspective. New York: Wiley, 1975.

Huwa, R. and Rosenthal, A. Politicians and Professionals--Interactions Between Committee and Staff in State Legislatures. New Brunswick, New Jesery: Rutgers, 1977.

_____."Staffing Legislative Committees; A Guide for Workshop Discussions of State Legislators". New Brunswick, New Jersey: Rutgers, 1976.

Illinois Office of Education. A Meta-Evaluation Conducted by the Illinois Office of Education of an Evaluation of the Regional Programs for Educating Low-Incidence Disabled Children in Illinois Conducted by the Survey Research Laboratory of the University of Illinois. Springfield, Illinois: Illinois Office of Education, 1975.

Johnson, J. (ed.) The Investigating Powers of Congress. New York: Wilson, 1951.

Jones, B. "A Study of a Meta-Evaluation Utilizing the Adversary Hearings Metaphor". Urbana, Illinois; University of Illinois, Unpublished Masters thesis, 1976.

Kofmehl, K. Professional Staffs of Congress. Layfayette, Indiana: Purdue, 1962.

McGeary, M. The Development of Congressional Investigative Power. New York: Octagon, 1966.

Morrow, W. Congressional Committees. New York: Scribners, 1969.

Popham, J. and Carlson, D. "Deep Dark Deficits of the Adversary Evaluation Model". pp. 3-6 in Educational Researcher, Vol. 6, no. 6., June 1977.

Price, D. Who Makes the Laws? Creativity and Power in Senate Committees. Cambridge, Massachusetts: Schenkman, 1972.

Quigley, S.; Jones, B.; Erbe, B.; and Ferber, R. An Evaluation of the Regional Programs for Educating Low Incidence Disabled Children in Illinois. Urbana, Illinois: University of Illinois, 1975.

Rhodes, G. Committes of Inquiry. London: Allen and Unwin, 1975.

Schlessinger, A.; and Burns, R. (eds.) Congress Investigates; A Documented History, 1792-1974. New York: Chelsea and Bower, 1975.

Sheffield, E. Making Committes Effective. Toronto: Ryerson, 1951.

Stenzel, N. "Adversary Processes and Their Potential Uses in Evaluation for the Illinois Office of Education", 1975a (mimeo)

_____. "Evaluation and the Jury Trial Metaphor: Meta-Evaluation of an Adversary Hearing Evaluation of the Division of Teacher Education at Indiana University", 1975b (mimeo).

_____. "Meta-Evaluation as the Capstone of Monitoring Efforts for a Third Party Evaluation". A paper presented at the Evaluation Network Conference, St. Louis, September, 1977 mimeo).

Taylor, T. Grand Inquest: The Story of Congressional Investigations. New York: Simon and Schuster, 1955.

Vaughn, R. Only Victims: A Study of Show Business Blacklisting. New York: Putnams, 1972.

Wahlke, J. and Eulau, H.(eds.) Legislative Behavior: A Reader in Theory and Research. Glencoe, Illinois: Free Press, 1959.

Wolf, R. The Application of Select Legal Concepts to Educational Evaluation. Urbana, Illinois: University of Illinois, Unpublished Ph.D. dissertation, 1974.

_____. "Trial by Jury: A New Evaluation Method." Pp. 185-187 in Phi Delta Kappan, (57), 1975.